

Exhibit A

Lawrence C. Stewart
August 4, 2009

Page 1

Exhibits: 1-21 Volume 1, Pages 1 - 126

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

Civil Action No. 6:07-CV-511

SOVERAIN SOFTWARE LLC,

Plaintiff

v.

CDW CORPORATION, NEWEGG INC.,

REDCATS USA, INC., SYSTEMAX, INC.,

ZAPPOS.COM, INC., TIGER DIRECT,

INC., THE SPORTSMAN'S GUIDE, INC.,

and REDCATS USA LP,

Defendants

VIDEOTAPED DEPOSITION OF LAWRENCE C. STEWART

Tuesday, August 4, 2009, 8:51 a.m.

Farmer Arsenault Brock LLC

50 Congress Street, Suite 415

Boston, Massachusetts

-----Reporter: Susan J. Blatt, RPR-----

All New England Reporting Service, LLC

9 Hammond Street, Worcester, Massachusetts 01610

508-753-9292/Fax 508.753.9284

Lawrence C. Stewart

August 4, 2009

Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 Jones, Day, Reavis & Pogue</p> <p>4 Clark Craddock, Ph.D., Esq.</p> <p>5 Thomas L. Giannetti, Esq.</p> <p>6 222 East 41st Street</p> <p>7 New York, New York 10017-6702</p> <p>8 212.326.3939 Fax: 212.755.7306</p> <p>9 ccraddock@jonesday.com</p> <p>10 tlgianetti@jonesday.com</p> <p>11 for Plaintiff</p> <p>12</p> <p>13 The Webb Law Firm</p> <p>14 David C. Hanson, Esq.</p> <p>15 Kent E. Baldauf, Esq.</p> <p>16 700 Koppers Building</p> <p>17 Pittsburgh, Pennsylvania 15219-1845</p> <p>18 412.471.8815 Fax: 412.471.4094</p> <p>19 dhanson@webblaw.com</p> <p>20 kbaldauf@webblaw.com</p> <p>21 for Newegg Inc.</p> <p>22</p> <p>23 Also Present:</p> <p>24 Edward Tittel</p>	<p>08:52:44 1 Software and Dr. Stewart.</p> <p>08:52:52 2 LAWRENCE C. STEWART, sworn</p> <p>08:52:53 3 EXAMINATION</p> <p>08:52:55 4 BY MR. HANSON:</p> <p>08:52:55 5 Q. Dr. Stewart, will you state your full name,</p> <p>08:52:58 6 please.</p> <p>08:52:58 7 A. Lawrence Colm Stewart.</p> <p>08:53:01 8 Q. And what is your residence?</p> <p>08:53:03 9 A. In Wayland, Massachusetts.</p> <p>08:53:04 10 Q. In what year were you born?</p> <p>08:53:06 11 A. 1955.</p> <p>08:53:08 12 Q. And by whom are you employed?</p> <p>08:53:10 13 A. Serissa Research.</p> <p>08:53:13 14 Q. And how long have you worked for Serissa</p> <p>08:53:18 15 Research?</p> <p>08:53:18 16 A. Since 2001.</p> <p>08:53:22 17 Q. And who did you work for before that?</p> <p>08:53:25 18 A. Open Market.</p> <p>08:53:29 19 Q. Are you being compensated for your</p> <p>08:53:39 20 appearance here today?</p> <p>08:53:40 21 A. I am being compensated for my time, but not</p> <p>08:53:45 22 for testimony.</p> <p>08:53:46 23 Q. And at what hourly rate are you being</p> <p>08:53:49 24 compensated?</p>
Page 3	Page 5
<p>08:35:19 1 PROCEEDINGS</p> <p>08:35:19 2 THE VIDEOGRAPHER: We are now recording</p> <p>08:51:22 3 and on the record. My name is Odi J. Wong. I'm a</p> <p>08:51:26 4 legal video specialist for National Video Reporters,</p> <p>08:51:30 5 Inc. The business address is 71 Commercial Street,</p> <p>08:51:33 6 Suite 274, Boston, Massachusetts 02109. Today's</p> <p>08:51:40 7 date is the 4th of August, 2009 and the time is 8:51</p> <p>08:51:45 8 a.m. This is the deposition of Dr. Lawrence C.</p> <p>08:51:49 9 Stewart in the matter of Soverain Software LLC</p> <p>08:51:53 10 versus CDW Corporation, et al. in the United States</p> <p>08:51:58 11 District Court, Eastern District of Texas, Tyler</p> <p>08:52:02 12 Division, Civil Action 6:07-CV-511. This deposition</p> <p>08:52:08 13 is being taken at Farmer Arsenault Brock at 50</p> <p>08:52:13 14 Congress Street, Boston, Massachusetts. The court</p> <p>08:52:15 15 reporter is Susan Blatt of All New England Court</p> <p>08:52:19 16 Reporting.</p> <p>08:52:19 17 Counsel, please state your appearances</p> <p>08:52:21 18 for the record and the court reporter will</p> <p>08:52:23 19 administer the oath.</p> <p>08:52:25 20 MR. HANSON: David Hanson and Kent</p> <p>08:52:28 21 Baldauf of The Web Law Firm on behalf of Newegg; and</p> <p>08:52:32 22 also present is Ed Tittel, expert assisting us.</p> <p>08:52:38 23 MS. CRADDOCK: Clark Craddock and Tom</p> <p>08:52:42 24 Giannetti of Jones Day representing Soverain</p>	<p>08:53:50 1 A. Let me see if I remember. I think it is</p> <p>08:53:54 2 about \$400 an hour.</p> <p>08:53:57 3 Q. And did you meet with counsel in the near</p> <p>08:54:02 4 past to discuss preparation for this deposition?</p> <p>08:54:05 5 A. I did.</p> <p>08:54:06 6 Q. And for how many hours did you meet with</p> <p>08:54:09 7 them?</p> <p>08:54:09 8 A. Maybe six.</p> <p>08:54:14 9 Q. Do you have any financial interest in the</p> <p>08:54:17 10 outcome of this lawsuit?</p> <p>08:54:18 11 A. I do not.</p> <p>08:54:20 12 Q. Do you own any stock in Soverain?</p> <p>08:54:23 13 A. I do not.</p> <p>08:54:25 14 Q. Do you still own any stock in Open Market?</p> <p>08:54:28 15 A. I have some wallpaper from Open Market, I</p> <p>08:54:32 16 think, but, no, it is, as far as I know, of no</p> <p>08:54:35 17 value.</p> <p>08:54:36 18 Q. And how did you acquire stock for Open</p> <p>08:54:39 19 Market?</p> <p>08:54:39 20 A. I acquired founders' stock when the company</p> <p>08:54:42 21 was started.</p> <p>08:54:44 22 Q. Did you ever sell any of your founders'</p> <p>08:54:49 23 stock?</p> <p>08:54:49 24 A. I did.</p>

2 (Pages 2 to 5)

Lawrence C. Stewart

August 4, 2009

Page 30	Page 32
<p>09:36:56 1 it in the system of that day.</p> <p>09:37:00 2 Q. Would one of the ways be looking at the IP</p> <p>09:37:03 3 address of the user?</p> <p>09:37:05 4 A. Not in the software we developed as of that</p> <p>09:37:10 5 time, no.</p> <p>09:37:13 6 Q. What were the other ways that you could do</p> <p>09:37:15 7 it?</p> <p>09:37:15 8 A. I believe another technique is that the</p> <p>09:37:18 9 server issues an HTTP 302 redirect telling the user</p> <p>09:37:24 10 retry using this URL that now has the ticket in it,</p> <p>09:37:29 11 and that replaces the first request with a revised</p> <p>09:37:37 12 first request that now has the ticket.</p> <p>09:37:40 13 Q. Was there any way during 1994 to use the</p> <p>09:37:52 14 basic authorization feature of HTTP to craft</p> <p>09:38:04 15 sessions?</p> <p>09:38:04 16 A. Are you referring to basic authentication?</p> <p>09:38:12 17 Q. Yes, sir.</p> <p>09:38:13 18 A. Okay. I don't recognize "basic</p> <p>09:38:17 19 authorization" as the term.</p> <p>09:38:18 20 Q. I'm sorry.</p> <p>09:38:20 21 A. I believe there is something about this in</p> <p>09:38:24 22 my book. Hang on a second.</p> <p>09:38:38 23 If you have an authentication mechanism,</p> <p>09:38:41 24 you can use it to make a sort of a poor shadow copy</p>	<p>09:43:55 1 1994. Later on we had something much like this. I</p> <p>09:43:59 2 think in 1995.</p> <p>09:44:02 3 Q. How does this differ from what was done in</p> <p>09:44:04 4 1994?</p> <p>09:44:05 5 A. This is a description of a shrink-wrapped</p> <p>09:44:10 6 software product that you would load onto your own</p> <p>09:44:12 7 PC and build content. What we developed in 1994 was</p> <p>09:44:16 8 called Online Store Builder that was an interactive</p> <p>09:44:20 9 process with a Web browser for the user and a Web-</p> <p>09:44:27 10 server-based implementation of the store building</p> <p>09:44:30 11 system.</p> <p>09:44:31 12 Q. Now, there's mention in the second line of</p> <p>09:44:37 13 this first paragraph of the Open Mall. Was that a</p> <p>09:44:46 14 project that was taken up during 1993 by Open</p> <p>09:44:51 15 Market?</p> <p>09:44:51 16 A. No.</p> <p>09:44:52 17 Q. I'm sorry. In '94?</p> <p>09:44:57 18 A. Yes.</p> <p>09:44:57 19 Q. Can you describe how that was taken up.</p> <p>09:45:01 20 A. I think this is an early name for the idea</p> <p>09:45:04 21 of Open Market itself operating a mall, namely, a</p> <p>09:45:11 22 collection of online merchants that came to</p> <p>09:45:15 23 commercial fruition as the Open Marketplace in</p> <p>09:45:18 24 October.</p>
Page 31	Page 33
<p>09:38:44 1 of the session mechanism. It doesn't do what you</p> <p>09:38:49 2 want in several ways, but within limited</p> <p>09:38:52 3 circumstances you can use it for sessions.</p> <p>09:38:53 4 Q. Could it be used for a commercial product?</p> <p>09:38:56 5 A. I'm sure I don't know what, what all</p> <p>09:39:01 6 commercial products could be, so I don't think I can</p> <p>09:39:04 7 say one way or the other.</p> <p>09:39:28 8 MR. HANSON: I'm going to ask the</p> <p>09:39:30 9 reporter to mark as Exhibit 3 a document that was</p> <p>09:39:39 10 produced bearing production numbers SVN2-00039958</p> <p>09:39:48 11 through 60, and it bears a date of May 5, 1994 and a</p> <p>09:39:56 12 title Store Building Kit.</p> <p>09:40:07 13 (Marked, Exhibit 3, document,</p> <p>09:40:11 14 SVN2-0039958 - 60.)</p> <p>09:43:16 15 Q. Did you prepare this document?</p> <p>09:43:18 16 A. It's -- I think so, yes.</p> <p>09:43:23 17 Q. Was this prepared during that period of</p> <p>09:43:25 18 time when you were working at home or was this</p> <p>09:43:30 19 prepared later?</p> <p>09:43:30 20 A. You know, I don't know the answer. I don't</p> <p>09:43:33 21 know when we moved into our first offices. The...</p> <p>09:43:40 22 Q. Did Open Market eventually design something</p> <p>09:43:45 23 referred to as the store building kit or the like?</p> <p>09:43:48 24 A. Not in -- we did it a different way in</p>	<p>09:45:23 1 Q. On page 3, the second-to-the-last paragraph</p> <p>09:45:48 2 begins, "There might be (at least) two classes of</p> <p>09:45:58 3 merchants who would use the kit. The first class</p> <p>09:46:02 4 are folks who are already plugged into the Internet</p> <p>09:46:06 5 and have seen things like Mosaic (or at least have</p> <p>09:46:10 6 seen AOL or CompuServe)."</p> <p>09:46:15 7 What was your knowledge of AOL at the</p> <p>09:46:18 8 time of preparing this document?</p> <p>09:46:22 9 A. I believe I had seen other people using it.</p> <p>09:46:25 10 I did not myself have an account or myself have used</p> <p>09:46:29 11 it.</p> <p>09:46:29 12 Q. Do you know what other people you had seen</p> <p>09:46:31 13 using it?</p> <p>09:46:32 14 A. No.</p> <p>09:46:35 15 Q. Had you seen them using it for purchase</p> <p>09:46:39 16 of -- for making purchases of products?</p> <p>09:46:41 17 A. I'm pretty sure not.</p> <p>09:46:44 18 Q. <u>At the time of this memo, what was your</u></p> <p>09:46:48 19 <u>knowledge of CompuServe?</u></p> <p>09:46:50 20 A. <u>I knew it to be an online service but one</u></p> <p>09:46:55 21 <u>disconnected from the Internet.</u></p> <p>09:46:59 22 Q. <u>And what kind of services did CompuServe</u></p> <p>09:47:03 23 <u>provide that you knew of at the time?</u></p> <p>09:47:04 24 A. <u>My general understanding, it was sort of a</u></p>

9 (Pages 30 to 33)

Lawrence C. Stewart

August 4, 2009

Page 34	Page 36
<p>09:47:09 1 <u>commercial time-sharing service. You could get an</u> 09:47:13 2 <u>account and you could log into it, and I actually</u> 09:47:15 3 <u>don't know what you could do once you got there.</u> 09:47:19 4 Q. <u>Did you have any familiarity with a thing</u> 09:47:22 5 <u>known as the CompuServe mall at the time of</u> 09:47:25 6 <u>preparing this document?</u> 09:47:26 7 A. <u>I did not.</u> 09:47:51 8 Q. Who was assigned to build the Open 09:47:56 9 Marketplace software? 09:47:58 10 A. There -- that pretty much encompasses all 09:48:07 11 of the software that Open Market was working on, so 09:48:09 12 I suppose everybody in engineering was working on it 09:48:12 13 in one way or another. 09:48:14 14 Q. Did any individual have the heavy oar, so 09:48:19 15 to speak? 09:48:20 16 A. It's difficult to say which is the heavy 09:48:27 17 oar. I think fundamentally I was working on the 09:48:30 18 transaction system. Dave Mackie was working on the 09:48:34 19 Online Store Builder aspects of it. Andy Payne 09:48:37 20 worked on servers and infrastructure and the mall 09:48:41 21 machinery. Henry Tumblin worked on payment 09:48:47 22 processing and interactive voice response. Win 09:48:48 23 Treese worked on security and authentication issues. 09:48:54 24 That's a rough breakdown, but we all worked on</p>	<p>09:56:03 1 assistant. 09:56:04 2 Q. So Kim Alley wasn't present according to 09:56:08 3 this? 09:56:08 4 A. According to this, nobody else was present, 09:56:11 5 right. 09:56:12 6 Q. I believe if you go to the last page, 09:56:21 7 second-to-last page of this document, I think it 09:56:23 8 appears at number 85, there's an indication that Mr. 09:56:34 9 Treese was under consideration for becoming an 09:56:42 10 employee? 09:56:42 11 A. It looks that way, yes. 09:56:43 12 Q. As was Mr. Mackie? 09:56:45 13 A. I don't see the reference to Mackie. 09:56:51 14 Q. Well, in the sentence following Win Treese. 09:56:56 15 A. Ah, I have it, yes. 09:57:01 16 Q. So at that time they were probably not 09:57:05 17 employees of Open Market? "At that time" being the 09:57:10 18 date of this document. 09:57:11 19 A. I believe that's correct. 09:57:18 20 Q. Now, going back to the first page, in a 09:57:26 21 paragraph that begins "Stage 2:" There is reference 09:57:30 22 to the Future Fantasy Bookstore. And my question to 09:57:35 23 you is what was your knowledge of the Future Fantasy 09:57:39 24 Bookstore at the time of this email?</p>
Page 35	Page 37
<p>09:48:57 1 everything. 09:49:05 2 MR. HANSON: I'm going to ask the 09:49:07 3 reporter to mark as Exhibit 4 a document that was 09:49:12 4 produced with production numbers SVN2-0039679 09:49:20 5 through 86. It appears to be an email dated 8 May 09:49:33 6 1994. 09:49:36 7 (Marked, Exhibit 4, email, SVN2-0039679 09:49:39 8 - 86.) 09:55:12 9 Q. Did you prepare this email? 09:55:14 10 A. I have no reason to think I didn't. I 09:55:18 11 think I did. 09:55:25 12 Q. Does it relate to one of the early meetings 09:55:27 13 that you mentioned earlier? 09:55:28 14 A. I think it does. 09:55:34 15 Q. Is the Shikhar referred there Mr. Ghosh? 09:55:41 16 A. Shikhar, yes, it is. 09:55:41 17 Q. Shikhar? 09:55:43 18 A. That's correct. 09:55:43 19 Q. And Andy refers to Andy Payne? 09:55:46 20 A. That's correct. 09:55:46 21 Q. And Cathy -- no. Who is Cathy? 09:55:52 22 A. I think I'm in trouble here. That's 09:55:56 23 misspelled. It's Kathy with a K. I think that's 09:55:59 24 Kathy Matthews, who is Shikhar's administrative</p>	<p>09:57:41 1 A. I had been to the physical store when I was 09:57:50 2 in Palo Alto, so I had that much knowledge of it. I 09:57:54 3 don't know whether I had been to visit the website, 09:57:59 4 for example, or knew anything about the store before 09:58:01 5 this meeting. 09:58:05 6 Q. And at this meeting who related the 09:58:09 7 information which raised, "Another example is the 09:58:14 8 Future Fantasy Bookstore, which is resident on a DEC 09:58:20 9 World Wide Web server in Palo Alto"? 09:58:25 10 A. I don't know for sure. Probably Andy. 09:58:33 11 Q. Did you come to have any more specific 09:58:36 12 understanding of the Future Fantasy Bookstore 09:58:43 13 website subsequent to the date of this email? 09:58:49 14 A. I did. 09:58:50 15 Q. And what was that knowledge? 09:58:52 16 A. At some point I think I went to visit the 09:58:59 17 website, looked at the -- looked at some number of 09:59:04 18 the screens. 09:59:06 19 Q. Was that during 1994? 09:59:10 20 A. Very likely yes, during the summer of '94, 09:59:14 21 sometime between here and mid-summer, probably. 09:59:17 22 Q. During that period of time, did you visit 09:59:22 23 any other commercial websites, meaning websites that 09:59:30 24 offered products for sale?</p>

10 (Pages 34 to 37)

Lawrence C. Stewart

August 4, 2009

<p style="text-align: right;">Page 122</p> <p>14:51:16 1 break.</p> <p>14:51:16 2 MR. GIANNETTI: Give us a five-minute</p> <p>14:51:18 3 break.</p> <p>14:51:19 4 MR. HANSON: Certainly.</p> <p>14:51:20 5 THE VIDEOGRAPHER: Going off the record.</p> <p>14:51:22 6 The time is 2:51.</p> <p>14:51:24 7 (Brief recess.)</p> <p>14:58:47 8 THE VIDEOGRAPHER: Going back on the</p> <p>14:59:02 9 record. The time is 2:59.</p> <p>14:59:06 10 MS. CRADDOCK: Counsel, we have no</p> <p>14:59:08 11 questions.</p> <p>14:59:14 12 THE VIDEOGRAPHER: The time is 2:59 and</p> <p>14:59:16 13 the deposition is concluded. We're off the record.</p> <p>14 14 (2:59 p.m.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 124</p> <p>1 INDEX</p> <p>2</p> <p>3 EXAMINATIONS</p> <p>4 LAWRENCE C. STEWART</p> <p>5 BY MR. HANSON: 4</p> <p>6</p> <p>7 EXHIBITS MARKED</p> <p>8 1, patent 5,715,314. 26</p> <p>9 2, patent 5,708,780. 27</p> <p>10 3, document, SVN2-0039958 - 60. 31</p> <p>11 4, email, SVN2-0039679 - 86. 35</p> <p>12 5, three pages. 49</p> <p>13 6, collection of documents. 52</p> <p>14 7, document, SVN2-0039949 - 950. 55</p> <p>15 8, document, SVN2-0039969 - 71. 58</p> <p>16 9, document SVN2-0072064 - 071. 59</p> <p>17 10, document, SVN2-0024292. 63</p> <p>18 11, document, SVN2-0025102 - 103. 66</p> <p>19 12, document, SVN2-0040042. 68</p> <p>20 13, document, SVN2-0039731. 69</p> <p>21 14, document, SVN2-0039738 - 739. 71</p> <p>22 15, document, SVN2-0040349 - 353. 73</p> <p>23 16, document, SOV-E0000980. 79</p> <p>24 17, document, SVN2-0039787 - 791. 85</p>
<p style="text-align: right;">Page 123</p> <p>1 CERTIFICATE OF COURT REPORTER</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 I, Susan J. Blatt, Registered</p> <p>7 Professional Reporter, do certify that the</p> <p>8 deposition of LAWRENCE C. STEWART, in the matter of</p> <p>9 Soverain v CDW, et al., on August 4, 2009, was</p> <p>10 stenographically recorded by me; that the witness</p> <p>11 provided satisfactory evidence of identification, as</p> <p>12 prescribed by Executive Order 455 (03-13) issued by</p> <p>13 the Governor of the Commonwealth of Massachusetts,</p> <p>14 before being sworn by me, a Notary Public in and for</p> <p>15 the Commonwealth of Massachusetts; that the</p> <p>16 transcript produced by me is a true and accurate</p> <p>17 record of the proceedings to the best of my ability;</p> <p>18 that I am neither counsel for, related to, nor</p> <p>19 employed by any of the parties to the above action;</p> <p>20 and further that I am not a relative or employee of</p> <p>21 any attorney or counsel employed by the parties</p> <p>22 thereto, nor financially or otherwise interested in</p> <p>23 the outcome of the action.</p> <p>24</p> <p>15 Transcript review was requested of the reporter.</p> <p>16</p> <p>17 Exhibits returned to Mr. Hanson</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____ August 12, 2009</p> <p>22 Susan J. Blatt, RPR</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 125</p> <p>1 18, Appendix G. 90</p> <p>2 19, document, SVN2-0039906. 103</p> <p>3 20, document, SVN2-0039907. 103</p> <p>4 21, excerpts from book. 104</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

32 (Pages 122 to 125)

All New England Reporting Service, LLC
508.753.9282
www.ANEreporting.com

WITNESS: LAWRENCE C. STEWART
CASE: Sovereign v CDW, et al.
SIGNATURE PAGE/ERRATA SHEET
PAGE LINE CHANGE OR CORRECTION AND REASON

[illegible]

Notary Public in and for _____
My commission expires _____

PLEASE SIGN AND DATE the errata/signature page (before a notary if requested) and return it to your counsel.

All New England Reporting Service, LLC
508.753.9282 www.ANEreporting.com